

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Atlas Uluslararası Kumanyacılık tic A.Ş

Atlas Gemi Vanalari ve Ekipmanlari Tic Ltd Sti,

Plaintiffs,

VS.

M/V ARICA, IMO 9399741, its engines, tackle and apparel, et al.,

Defendant and Garnishee.

Network Shipping Ltd.

Intervening Plaintiff,

V.

M/V ARICA, IMO 9399741, its engines, tackle
and apparel,

Defendant *in rem*,

and

FS Arica, Ltd.,

Defendant *in personam*,

and

The Master of the M/V ARICA,

Garnishee.

**UNOPPOSED/EX PARTE MOTION TO FILE
VERIFIED COMPLAINT IN INTERVENTION**

Intervening Plaintiff Network Shipping Ltd. (“NSL”) hereby moves, pursuant to Fed. R. Civ. P. 24, for leave to intervene and, pursuant to Supplemental Rule B, for issue and service of a writ of maritime attachment and Rule C warrant for arrest of the Vessel N/V ARICA (“Vessel”).

As set out in the Verified Intervening Complaint herewith, on the order of defendant FS Arica, Ltd., owner of the Vessel, chartered the Vessel to NSL, but breached the Charter Party with the result that FS Arica owes NSL at least \$280,000 plus interest and costs. Despite repeated demand, FS Arica has failed to pay NSL those damages.

The Vessel, on May 20, 2020, was attached and arrested by plaintiffs Atlas Uluslararası Kumanyacılık tic A.Ş (“Atlas UK”) and Atlas Gemi Vanalari ve Ekipmanlari Tic Ltd Sti (“Atlas GV”)(collectively, “Atlas”) in this action for non-payment of invoices.

NSL has asserted direct claims against FS Arica, Ltd. for breach of contract, and is proceeding for maritime attachment and garnishment of property of FS Arica pursuant to Supplemental Rule B. Further, NSL holds a maritime lien *in rem* against the Vessel pursuant to Supplemental Rule C.

This Court therefore should grant NSL leave to intervene, having its claims proceed pursuant to Supplemental Rules B and C.

Non-Opposition to the Motion: None of the present parties opposes NSL’s motion.

Conclusion

WHEREFORE, NSL respectfully requests that this Court grant this unopposed motion, permitting it to intervene, and herewith submits a draft order.

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Timothy Jay Houseal

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Attorneys for Network Shipping Ltd.

Dated: May 26, 2020

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Defendant *in rem*,

and

FS Arica, Ltd.,

Defendant *in personam*,

and

The Master of the M/V ARICA,

Garnishee.

**ORDER GRANTING INTERVENING PLAINTIFF’S
UNOPPOSED/EX PARTE MOTION TO FILE
VERIFIED COMPLAINT IN INTERVENTION**

Considering the foregoing Unopposed/*Ex Parte* Motion to File Verified Complaint in Intervention, (the “Motion”), filed herein by Network Shipping Ltd. (the “Intervenor”),

IT IS ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that the Clerk of Court is hereby authorized and directed to file the Complaint in Intervention into the record in this matter and the Intervenor is hereby permitted to appear as plaintiff-in-intervention.

SO ORDERED this ____ day of May 2020.

United States District Judge